

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2342

AN ACT

AMENDING SECTION 13-1419, ARIZONA REVISED STATUTES; RELATING TO SEXUAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-1419, Arizona Revised Statutes, is amended to
3 read:

4 13-1419. Unlawful sexual conduct: correctional facilities:
5 classification: definition

6 A person who is employed by the state department of corrections,
7 the department of juvenile corrections, a private prison facility or a city
8 or county jail, ~~or~~ who contracts to provide services with the state
9 department of corrections, the department of juvenile corrections, a private
10 prison facility or a city or county jail ~~OR WHO IS AN OFFICIAL VISITOR,~~
~~VOLUNTEER OR AGENCY REPRESENTATIVE OF THE STATE DEPARTMENT OF CORRECTIONS,~~
~~THE DEPARTMENT OF JUVENILE CORRECTIONS, A PRIVATE PRISON FACILITY OR A CITY~~
~~OR COUNTY JAIL~~ commits unlawful sexual conduct by engaging in ~~oral sexual~~
~~contact, sexual contact or sexual intercourse ANY ACT OF A SEXUAL NATURE~~ with
15 a person who is in the custody of the state department of corrections, the
16 department of juvenile corrections, a private prison facility or a city or
17 county jail or with an offender who is under the supervision of either
18 department or a city or county.

19 B. ~~A prisoner who is in the custody of the state department of corrections, a private prison facility or a city or county jail or an offender who is on release status and who is under the supervision of the state department of corrections or a city or county commits unlawful sexual conduct by engaging in oral sexual contact, sexual contact or sexual intercourse with a person who is employed by the state department of corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, a private prison facility or a city or county jail.~~

20 C. B. This section does not apply to:

21 1. A person who is employed by the state department of corrections, a
22 private prison facility or a city or county jail or who contracts to provide
23 services with the state department of corrections, a private prison facility
24 or a city or county jail or an offender who is on release status if the
25 person was lawfully married to the prisoner or offender on release status
26 before the prisoner or offender was sentenced to the state department of
27 corrections or was incarcerated in a city or county jail.

28 2. An offender who is on release status and who was lawfully married
29 to a person who is employed by the state department of corrections, a private
30 prison facility or a city or county jail or who contracts to provide services
31 with the state department of corrections, a private prison facility or a city
32 or county jail if the marriage occurred ~~prior to~~ BEFORE the offender ~~being~~
33 ~~WAS~~ sentenced to the state department of corrections or incarcerated in a
34 city or county jail.

35 D. C. Unlawful sexual conduct with a person under ~~the age of~~ fifteen
36 ~~YEARS OF AGE~~ is a class 2 felony. Unlawful sexual conduct with a person

1 between ~~the ages of~~ fifteen and seventeen YEARS OF AGE is a class 3 felony.
2 All other unlawful sexual conduct is a class 5 felony.

3 D. FOR THE PURPOSES OF THIS SECTION, "ANY ACT OF A SEXUAL NATURE"
4 INCLUDES THE INTENTIONAL TOUCHING OF THE GENITALIA, ANUS, GROIN, BREAST,
5 INNER THIGH OR BUTTOCKS WITH THE INTENT TO AROUSE OR GRATIFY SEXUAL DESIRE,
6 ANY COMPLETED, ATTEMPTED, THREATENED OR REQUESTED SEXUAL ACTS OR ANY
7 OCCURRENCES OF INDECENT EXPOSURE, INVASION OF PRIVACY OR STAFF VOYEURISM FOR
8 THE PURPOSES OF SEXUAL GRATIFICATION. ANY ACT OF A SEXUAL NATURE DOES NOT
9 INCLUDE AN ACT DONE PURSUANT TO A BONA FIDE MEDICAL EXAM OR LAWFUL INTERNAL
10 SEARCH.